

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

RICHARD E. ROBINSON

Claim No. CU-2173

Decision No. CU-6257

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

George D. Webster, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by RICHARD E. ROBINSON for \$311,400 based upon the asserted ownership and loss of certain improved real property and stock interests in Cuban corporations. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term "property" means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated,

intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Claimant describes his loss as follows:

1. Stock interest in Lavanderia La Comercial, S.A. (Lavanderia)	\$ 50,000
2. Stock interest in Tintoreria y Lavanderia Panam, S.A. "Lindsay"	35,000
3. Stock interest in Cia Cubana Americana de Suministros de Ropa Blanca, S.A. (Suministros)	80,000
4. Stock interest in Acme Cleaners	5,400
5. Industrial Property in Vedado	<u>141,000</u>
	\$311,400

Stock Interests

On the basis of the entire record including stock certificates in Lavanderia, "Lindsay", Suministros, and Acme Cleaners the Commission finds that claimant owned a 10% stock interest in Lavanderia and "Lindsay" and a 20% stock interest in Suministros and Acme Cleaners.

In our decision entitled the Claim of William Robinson and Doris B. Robinson (Claim No. CU-2171), involving the claim of claimant, RICHARD E. ROBINSON's parents, which we incorporate herein by reference, we held that these Cuban corporations were nationalized or otherwise taken by the Government of Cuba, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. In that claim we found the dates of taking to be as follows:

Lavanderia, August 29, 1960; Lindsay, July 11, 1960; Suministros, August 18, 1960; and Acme Cleaners, August 4, 1960.

We need not again detail here the reasons or the method used in determining the valuation of these Cuban corporations to be as follows: Lavanderia, \$246,900.63; Lindsay, \$30,962.04; Suministros, \$157,577.85, and Acme Cleaners, \$27,000.

In view of the foregoing the Commission finds that claimant, RICHARD E. ROBINSON, suffered the following losses within the meaning of Title V of the Act: \$24,690.06 and \$3,096.20 respectively for his 10% interests in Lavanderia and

"Lindsay" and \$31,515.57 and \$5,400 respectively for his 20% interests in Suministros and Acme Cleaners.

Industrial Property

Claim is asserted for an industrial property at No. 1510 Calle 27, Vedado, Havana.

Based on the entire record including deeds to the properties, invoices for the construction of buildings on the property, bills, receipts and other documents, the Commission finds that claimant owned the property as asserted.

Claimant states that the industrial property was rented to Lavanderia. The Commission therefore finds in the absence of evidence to the contrary that the real property subject of this claim was taken on August 29, 1960 when Lavanderia was taken.

The record includes, in support of the asserted values, a description of the main industrial building as a modern reinforced concrete and brick structure with a flat monolithic roof and comprising 2,470 square meters of floor space. An additional part of this property is described as a house constructed of brick with stucco finish and having about 9 rooms and a floor area of 350 square meters. The total land area is 2,350 square meters.

The 1950 deed to the industrial property reflects a purchase price of \$41,000 (the peso being on a par with the United States dollar). Other deeds and documents including receipts and invoices reflect the purchases of adjoining properties and the construction of additional buildings between 1951 and 1957. The overall costs listed by claimant indicate a total expenditure of \$148,851.71.

On the basis of the entire record including the aforementioned documents, the Commission finds fair and reasonable the asserted value of \$141,000 for this improved realty representing claimant's investment less depreciation, as determined by his auditor and reported to the American Embassy in July 1960.

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Claimant's losses within the scope of Title V of the Act are summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Amount</u>
Lavanderia	August 29, 1960	\$ 24,690.06
"Lindsay"	July 11, 1960	3,096.20
Suministros	August 18, 1960	31,515.57
Acme Cleaners	August 4, 1960	5,400.00
Industrial Property	August 29, 1960	<u>141,000.00</u>
		\$205,701.83

The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644) and in the instant case it is so ordered as follows:

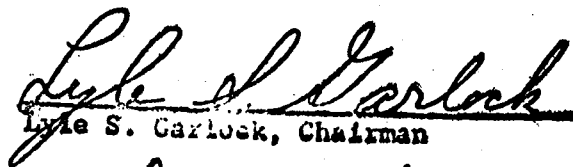
<u>FROM</u>	<u>ON</u>
July 11, 1960	\$ 3,096.20
August 4, 1960	5,400.00
August 18, 1960	31,515.57
August 29, 1960	<u>165,690.06</u>
	\$205,701.83

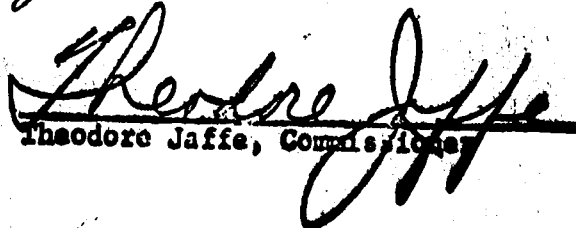
CERTIFICATION OF LOSS

The Commission certifies that RICHARD E. ROBINSON suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Five Thousand Seven Hundred One Dollars Eighty-Three Cents (\$205,701.83) with interest at 6% per annum from the respective dates of loss to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

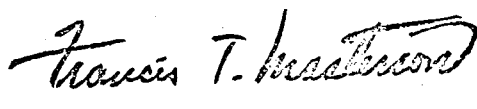
JUL 7 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision
of the commission which was entered as the final
decision on AUG 9 1971


Clerk of the Commission

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended (1970).)

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